

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of PACIFIC GAS AND ELECTRIC COMPANY for Adoption of its 2005 Energy Resources Recovery Account (ERRA) Forecast Revenue Requirement and for Approval of its 2005 Ongoing Competition Transition Charge (CTC) Revenue Requirement and Rates. (U 39 E)

Application 04-06-003  
(Filed June 1, 2004; Motion  
Filed January 25, 2006)

**ADMINISTRATIVE LAW JUDGE'S RULING  
ON MOTION TO MAINTAIN CONFIDENTIALITY OF IDENTIFIED  
INFORMATION PURSUANT TO ORDERING PARAGRAPH 4  
OF DECISION 05-02-040**

By its January 25, 2006 motion, Pacific Gas and Electric Company (PG&E) seeks to maintain the confidentiality of the information currently protected by Decision (D.) 05-02-040 until the Commission establishes a consistent treatment of similar information among the major energy utilities in Rulemaking (R.) 05-06-040.<sup>1</sup> PG&E filed this motion pursuant to Rule 40 of the Commission's Rules of Practice and Procedure.

There is no opposition to this motion. The grant of this motion would not materially change the requirements of D.05-02-040 because the proposed motion merely keeps confidential information sealed until the Commission establishes a consistent treatment of procurement information. However, a comparison of the

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<sup>1</sup> The major energy utilities consist of PG&E, Southern California Edison Company, and San Diego Gas & Electric Company.

confidential information in this proceeding with the information being considered in R.05-06-040 shows that the confidential status of all the information in this proceeding will not be resolved in the rulemaking proceeding. For example, firm transmission rights and capacity prepayments sealed in this proceeding are not being addressed in the rulemaking proceeding.

Therefore, all information placed under seal in this proceeding shall remain sealed for up to an additional year not to exceed February 24, 2007. To the extent a decision is issued in R.05-06-040 that affects similar information sealed in this proceeding prior to February 24, 2007, such information shall be treated in conformance with that decision. All remaining sealed information in this proceeding at February 24, 2007 shall become public on that date. Consistent with Ordering Paragraph 4 of D.05-02-040, PG&E may file a motion stating the justification for further withholding of the sealed information from public inspection.

Good cause appearing and pursuant to Resolution ALJ-164, dated September 16, 1992, **IT IS RULED** that:

1. The motion of Pacific Gas and Electric Company (PG&E) to maintain confidentiality of identified information pursuant to Ordering Paragraph 4 of Decision (D.) 05-02-040 is granted.
2. To the extent that a decision is issued in Rulemaking 05-06-040 prior to February 24, 2007 that affects similar information sealed in this proceeding, such similar information shall be treated in conformance with that decision. All remaining sealed information in this proceeding on February 24, 2007 shall become public on that date or on further order or ruling of the Commission or the Administrative Law Judge (ALJ) then designated as the Law and Motion Judge.

3. If PG&E believes that further protection of sealed information is needed beyond February 24, 2007, it may file a motion stating the justification for further withholding of the sealed information from public inspection. This motion shall be filed no later than 30 days before February 24, 2007.

4. Application 04-06-003 is closed.

Dated February 27, 2006, at San Francisco, California.

/s/ MICHAEL J. GALVIN

Michael J. Galvin  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on Motion to Maintain Confidentiality of Identified Information Pursuant to Ordering Paragraph 4 of Decision 05-02-040 all parties of record in this proceeding or their attorneys of record.

Dated February 27, 2006, at San Francisco, California.

/s/ TERESITA C. GALLARDO  
Teresita C. Gallardo

**N O T I C E**

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